

PROB 12C
(7/93)

Report Date: November 16, 2009

United States District Court

for the

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 17 2009

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTONName of Offender: Montes-Martinez, Antonio De
Jesus

Case Number: 2:06CR02199-001

Address of Offender: Last reported:

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 05/17/2007

Original Offense: Possession of Counterfeit Immigration Documents, 18 U.S.C. § 1546(a)

Original Sentence: Prison - 6 Months;
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: TBD

Date Supervision Commenced: 06/14/2007

Defense Attorney: TBD

Date Supervision Expires: 06/13/2010

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** On April 13, 2008, the defendant was arrested by the Pasco Police Department in Pasco, Washington, for simple assault, domestic violence.

According to the police report, on April 13, 2008, officers were dispatched to a domestic violence call. The victim reported to officers she had been "beat up" by her boyfriend. She stated she and the defendant got into an argument and he head butted her twice on the crown of her forehead. He then grabbed her by her hair and dragged her over to the bed and threw her on top of the mattress and punched her on the nose. The victim felt her nose had been broken. The defendant grabbed the victim on the neck, proceeding to choke her and slap her. The defendant then took the victim's car keys and left the residence. The victim was able to stay with her neighbor until the defendant was able to be located.

Later that same evening, officers were dispatched to the victim's residence as the defendant had returned. Officers knocked on the front and back doors, attempting to gain entrance,

Prob12C

Re: Montes-Martinez, Antonio De Jesus

November 16, 2009

Page 2

however, the defendant would not open the door. Officers were able to gain access to the residence through a window. Once inside the residence, the defendant was located hiding behind a couch.

On April 14, 2008, the defendant made an initial appearance in the Pasco Municipal Court, case number C00031929. The defendant was sentenced to 365 days jail with 363 days suspended and credit for 1 day served. He was further sentenced to 2 years probation and a \$500 fine.

On June 3, 2008, a bench warrant was issued for failure to comply. It appears the warrant remains active in this matter.

2

Mandatory Condition # 2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On October 25, 2009, the defendant under the alias Jose Luis Montes, was arrested by the Wenatchee Police Department, in Wenatchee, Washington, for count 1: obstructing a public officer; count 2: resisting arrest; and count 3: possession of a dangerous weapon; case number 9Y6190874. On this same date, related to the above charges the defendant was also arrested for count 1: driving under the influence; count 2: no valid operator's license; and count 3: reckless driving; case number 9Y6190873.

According to the police report, on October 25, 2009, an officer with the Wenatchee Police Department observed a vehicle traveling at a high rate of speed, and fail to stop at a stop sign. The vehicle then stopped at a red light and proceeded to turn the wrong way.

The officer was able to pull over the vehicle and the driver identified himself as Jose Luis Montes, however, the driver was unable to produce any formal identification. A male passenger was also in the vehicle. While speaking with the defendant, the officer noticed a strong odor of intoxicates coming from the vehicle as well as the defendant's breath.

Upon completing field sobriety tests, the defendant was informed he was under arrest for driving under the influence. The officer grabbed the defendant's arm to place him into custody and he tensed up, attempting to pull his arm away from the officer. A second officer began assisting in placing the defendant into handcuffs and he continued to pull away and actively resisting officers. Officers then placed the defendant on the ground in an attempt to gain control, however, the defendant continued to resist. The defendant was eventually placed into handcuffs and placed in the patrol car.

While searching the vehicle incident to arrest, brass knuckles were located in the vehicle and an unopened bottle of beer was in the back seat behind where the passenger was seated.

Officers attempted to get further information from the defendant, however, the defendant continued to become agitated, cussing at the officers in Spanish and being uncooperative.

The defendant was then transported to the jail for booking, however, assistance was needed from jail staff in getting the defendant out of the vehicle. The defendant continued being resistive and would not follow instructions. The defendant stated to officers he, "was going to bring up his family and they were going to take care of us."

Prob12C

Re: Montes-Martinez, Antonio De Jesus

November 16, 2009

Page 3

On October 26, 2009, the defendant appeared in the Chelan County District Court, in Wentachee, Washington, on the above charges and was allowed to be released on bond. It appears the next court date was scheduled for November 17, 2009. According to records, upon posting bond he was released from custody on November 2, 2009, giving a release address of 517 South Beech, Pasco, Washington. However, his current whereabouts are unknown.

3 **Special Condition # 14:** You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

Supporting Evidence: The defendant illegally reentered the United States without permission on or about April 13, 2008.

Information received from the U.S. Immigration and Customs Enforcement, indicates the defendant was previously deported to Mexico, at El Paso, Texas, on June 27, 2007, and most recently on April 26, 2008, at San Ysidro, California, and has not obtained legal permission to reenter the United States.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: 11/16/2009

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

11/16/09
Date